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NO. 1126

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1969.

PEOPLE OF THE STATE OF ILLINOIS,
Ex Rel. PETER S. SAVELAS,
Petitioner,

vs.

BOARD OF MANAGERS AND COMMITTEE ON
GRIEVANCES OF THE CHICAGO BAR ASSOCIATION,
AS COMMISSIONERS OF THE SUPREME COURT OF
ILLINOIS,
Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF ILLINOIS.

Peter S. Savelas,
30 North La Salle Street,
Chicago, Illinois 60602,
CEntral 6-1442,
Petitioner, Pro Se.

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Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF ILLINOIS.

Petitioner prays that a Writ of Certiorari be issued to review the judgment of the Supreme Court of Illinois entered in the above cause on September 18, 1970, denying petitioner's Motion for leave to file a Petition for an original Writ of Prohition.

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OPINION BELOW

No opinion was rendered by the Illinois Supreme Court.

JURISDICTION.

The judgment of the Supreme Court of Illinois, denying petitioner's Motion for leave to file a Petition for an original Writ of Prohibition, was entered on September 18, 1970. (Appendix C, infra, page 22).

The Petitioner invokes the jurisdiction of this Court under 28 U.S.C.A. Section 1257(3), since the validity of a state statute on grounds of repugnancy to the Constitution and laws of the United States is drawn in question and since Federal Constitutional rights, privileges, and immunities are involved.

"The State Supreme Court's judgment finally disposing of the writ of prohibition is a final judgment reviewable here under 28 U.S.C. 1257, U.S.C.A. 1257." Madruga v. Superior Court, 346 U.S. 556, 557, footnote 1, 74 S.Ct. 298, 299, footnote 1.

Denial of application for writ of prohibition without an opinion by the highest Court of state is a final judgment. Michigan Central Co. v. Mix, 278 U.S. 492,494, 73 L.Ed. 470,472 (Citing authorities).

It is not necessary that the judgment in order to be "final" should decide upon the rights which are litigated. It is sufficient that it determines the particular cause. Weston v. City Council of Charleston, 27 U.S. 449, 464, 7 L.Ed. 481, 486-487.

QUESTIONS PRESENTED.

1. Whether Section 751(a) of Chapter 110A, Illinois Revised Statutes, 1967-1969, formerly Section 101-59 of Chapter 110, by empowering the respondents to act as a super court, or board of inquisition, (without a signed and verified or a signed complaint, and without a complainant or any witness appearing to testify, and without proof,) with power to interfere with and inquire into the private litigation of petitioner, past and pending, is unconstitutional as invading petitioner's federal constitutionally protected rights, privileges, and immunities.

2. Whether Section 751(a), by empowering respondents to interfere with, and inquire into, the private litigation of petitioner, past and pending, is unconstitutional, as depriving petitioner of the equal right to sue, be party, give evidence, and of the right to the full and equal benefit of all laws and proceedings for the security of person and property.

3. Whether Section 751(a) is unconstitutional by empowering respondents to invade the federal constitutionally protected rights of petitioner, not to have his private litigation, past and pending, interfered with, reviewed, or re-adjudicated by respondents purporting to be empowered as a super court or board of inquisition, outside of, or over and above, the duly constituted state and federal court system.

4. Whether the filing in the Illinois state and federal courts of legal papers by petitioner acting for himself as private litigant, and his prosecution of court actions affecting his own person, property and reputation, can be the foundation for respondents, acting as a super court or board of inquisition, to accuse or prosecute petitioner, without a signed and verified or signed complaint, and without a complainant or any witness appearing to testify, and without proof.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.

A.) Amendment XIV to the Constitution of the United States, Section 1:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person

of life, liberty,or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

B.) Illinois Revised Statutes, 1967-1969, page 1713, Chapter 110A, Section 751(a) provides:

> (a) The Board of Governors and its existing Committee on Grievances, and their successors as such, of the Illinois State Bar Association, and the Board of Managers and its existing Committee on Grievances, and their successors as such, of the Chicago Bar Association, are hereby appointed as Commissioners of the Supreme Court and are empowered and charged to make investigations from time to time, as may be necessary, concerning practices of attorneys at law which tend to defeat the administration of justice or to bring the courts and the legal profession into disrepute. To this end, these commissioners are further empowered and charged to receive, entertain, inquire into, and take proof concerning complaints against attorneys at law of this State, and may call to their assistance in such inquiries other members of the bar or bar associations of the State, may make all necessary rules and regulations concerning the conduct of such inquiries, and may themselves, or by such committees as they may designate, take the evidence of witnesses, as hereinafter provided.

C.) Illinois Revised Statutes, 1967-1969, page 1713, Chapter 110A, Section 751(b) provides:

> (b) No complaint against an attorney at law shall be entertained unless it is signed by the person or persons aggrieved or by the president and secretary of a regularly organized bar association or by the chairman of a regularly appointed committee of the Chicago or Illinois State Bar associations and unless it is sufficiently clear and specific in its charges as reasonably to inform said attorney at law of the acts of misconduct he is claimed to have committed.

D.) Title 18 of United States Code, Section 241:

"If two or more persons conspire to injure, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; ***."

E.) Title 18, of United States Code, Section 242:

"Whoever, under color of any law, statute,ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ***."

F.) Title 18 of United States Code, Section 1503:

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, in any court of the United States, *** or injures any party or witness in his person or property on account of his having attended such court,*** or on account of his testifying or having testified to any matter pending therein, *** or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence,obstruct, or impede,the due administration of justice, ***."

G.) Constitution of Illinois, Article VI, Section 1, Illinois Revised Statutes, 1965-1969, page 18:

"The judicial power is vested in a Supreme Court,an Appellate Court and Circuit Courts."

STATEMENT OF THE CASE.

a.) Petition for Writ of Prohibition(Appendix A, infra, pages 1-16).

b.) Suggestions in Support of Motion for Leave to file Petition for Writ of Prohibition (Appendix B, infra, pages 17-21).

The Proceedings below.

(a) On November 4, 1965, the petitioner received a letter dated November 2, 1965, on the letterheard of the Committee on Inquiry of the Chicago Bar Association, signed by the Secretary, the pertinent parts of said letter are as follows:

"I am directed by the Committee on Inquiry of the Chicago Bar Association to advise you that it has instituted an inquiry concerning you with regard to certain litigation involving certain Judges."
"The Committee directs that you be present, and bring with you your files and records in this matter."
(Addendum to Record. p. 1). (Appendix A, infra, page 5).

On November 4, 1965, petitioner addressed a letter to the Committee on Inquiry, The Chicago Bar Association, attention of its Secretary, the pertinent parts of said letter being as follows:

"I request that you furnish me by November 9th,1965, the following:
"1. Copy of Complaint, if any, with full specifications as to the matter of inquiry.

"2. The name of the complainant, if any.

"3. The nature and reason, source and purpose of the inquiry.

"4. What 'certain judges', and what 'certain litigation', referred to in the first paragraph of your letter .

"5. Copy of the Rules of the Committee.

6."List of members of the Committee.

"7. List of members of sub-committee, if any.

"8. What 'files and records in this matter' are referred to in paragraph third of your letter stating, 'and bring with you your files and records in this matter.'

"Please acknowledge receipt of this letter". (Addendum to Record, page 2).(Appendix A, infra pages 5-6).

Receiving no response, petitioner addressed a second letter to the said Committee on Inquiry, attention of its Secretary, demanding once again to be informed as requested in his letter of November 4, 1965.(Addendum to Record, page 3). (Appendix A, infra, page 6).

No response was received by petitioner to his two letters, but instead, on November 19, 1965, he received a letter from the Secretary of the Committee on Inquiry, repeating substantially the same as in his letter of November 2, 1865, (Addendum to Record, page 1), and ordering again that petitioner bring his files and records without specific reference as to what files and records. (Addendum to Record, page 4). (Appendix A, infra, page 6).

On November 23, 1965, petitioner addressed a third letter to the Committee on Inquiry, attention of its Secretary, repeating his demand to be informed, and to this letter there was no response. (Addendum to Record, page 5). (Appendix A, infra, page 6).

(b). On March 3rd, 1966, one Morris L. Simons, purporting to be empowered as a functionary of the Chicago Bar Association, by and through the medium of telephone, sought to frighten and intimidate the petitioner, and sought to induce him to violate attorney-client ethics and privilege, regarding matters handled by petitioner in 1962, for his then client, Sherman H. Skolnick. (Vol. I of Record, page 66; Vol. III of Record, page 379). (Appendix A, infra, page 6).

(c). On March 4, 1966, a letter was delivered to petitioner through the United States Mail, dated March 3, 1966, signed by the said Morris L. Simons, for the obvious purpose to frighten and intimidate the petitioner, in which letter Morris L. Simons, states:

> "This is to confirm our telephone conversation on March 3, 1966 in which you declined to discuss your representation of Mr. Sherman H. Skolnick before Judge Joseph S. Perry without the consent of Mr. Skolnick."

(Addendum to Record, page 6; Vol. I of Record, page 66; Vol. III of Record, page 379). (Appendix A, infra, page 6.)

(d). On March 28, 1966, an unsigned and unverified complaint was filed, in violation of Section 751(b) of Chapter 110A, Illinois Revised Statutes, 1967-1969, formerly Section 101.59, of Chapter 110, set forth verbatim on page 5 of this Petition. (Vol. I of Record, pages 1, 7). (Appendix A, infra, page 6).

(e). On April 7, 1966, one Charles E. Herzog, purporting to be a functionary of The Chicago Bar Association, simulated legal process and personated a judicial official by making, issuing and signing a paper labeled "Order", and ordering service of an unsigned and unverified complaint on petitioner, and ordering "hearing" before the Grievance Committee, all in violation of Section 751(b) of Chapter 110A, Illinois Revised Statutes, 1967-1969, formerly Section 101.59 of Chapter 110, set forth verbatim on page 5 of this Petition; and in violation of Section 32-5, of Chapter 38, Illinois Revised Statutes, 1965-1969, which makes it a criminal offense to personate falsely a judicial or governmental official; and in violation of Section 32-7, of Chapter 38, which makes it a criminal offense to simulate falsely legal process. (Addendum to Record, page 16). (Appendix A, infra, page 7).

The said Charles E. Herzog, was law partner and associate of one Charles T. Martin, who was sued by Sherman H. Skolnick, to recover damages for torturing, terrorizing and intimidating Skolnick, a paraplegic invalid and cripple, for four hours and twenty minutes continuously in their office,

under the sham and pretense of taking his deposition. (Vol. I of Record, pages 17-18, par. 15(b); Vol. II of Record, page 156, par. 15(b), and page 157, first paragraph).(Appendix A, infra,page 7).

See: Skolnick v. Martin, 47 Ill. App.2d 167, 197 N.E.2d 739, at 740, second column.

(f). On April 7, 1966, the respondents, purporting to be empowered as aforementioned, caused an unsigned and unverified complaint to be published and circulated against petitioner, simulating legal process and judicial proceedings, which said complaint contained false, distorted and defamatory descriptions of the private litigation of petitioner, as individual, linking petitioner with the litigation of Sherman H. Skolnick, in which petitioner was a total stranger. (Vol. I of Record, pages 1-7, 7). (Appendix A, infra, page 7).

(g) On October 5, 1966, in the late afternoon, the respondents, purporting to be empowered as aforementioned, caused an armed person wearing a policeman's uniform to invade petitioner's office, who took a position of aiming against petitioner to frighten and menace him, and after making all the terrorizing and menacing gestures and motions, pulled out a paper labeled subpoena, commanding the petitioner to appear on October 6, 1966, at 6:30 P.M., before an assemblage of persons consisting of Lester Asher, Morris J. Wexler, David Jacker, and Sydney Wolfe, (Addendum to Record, page 21; Vol. I of Record, pages 62-63; Vol. I, transcript of proceedings, pages 5,6,7,10,16-17,19,20), said persons purporting to act as Commissioners, without

jurisdiction. without authority, and in violation of said Section 751(b) of Chapter 110A, Illinois Revised Statutes 1967-1969, formerly Section 101.59 of Chapter 110, set forth verbatim on page 5 of this Petition. (Appendix A, infra, pages 7-8).

(h). On October 6, 1966, the assemblage of persons named in the paragraph preceding, presided by Lester Asher, received the unsigned, unverified complaint against petitioner, in violation of said Section 751(b), consisting of unfounded and unproven conclusions only, without a complainant or any witness appearing to testify, and without proof. (Vol. I of Record, page 7, pages 2-7). (Appendix A, infra, page 8).

John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant, stated that he has no witnesses. (Vol. I of Record, transcript of proceedings, page 41). (Appendix A, infra, page 8).

The petitioner objected and challenged the jurisdiction and authority of said assemblage of persons to function and proceed, falsely personating judicial officials, and falsely simulating legal process, in violation of Chapter 38, Sections 32-5 and 32-7 of the Illinois Revised Statutes, 1965-1969; and in violation of the Illinois Constitution, Article VI, Section 1, which vests judicial power solely in the duly constituted courts, with no power for the courts to delegate any of their duties to any person or persons, not of the judicial branch of government; and

in violation of said Section 751(b), Chapter 110A, set forth verbatim on page 5 of this Petition. (Appendix A, infra, page 8).

(i). On October 6, 1966, the petitioner objected and challenged the asserted jurisdiction and authority of said assemblage of persons, presided by Lester Asher, to receive as "evidence" an altered unsigned complaint against petitioner, which contained changes, notations, interlineations, admitted to have been made by John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant. Such attorney refused to furnish to petitioner a copy of such altered complaint, although repeatedly requested. (Vol. I, transcript of proceedings, pages 36, 37, 38; Vol. I of Record, page 52, par. 2; page 54, page 63, second paragraph; Addendum to Record, page 23, par. 2; Vol. III of Record, page 380, last paragraph; Vol. II, transcript of proceedings, page 128). (Appendix A, infra, pages 8-9).

(j). On October 6, 1966, the first session was convened by the assemblage of persons, named above on page 11, paragraph (g), presided by Lester Asher, purporting to be empowered as aforementioned. The petitioner objected and challenged the pretended jurisdiction and authority of such persons to receive and file instanter, without Notice and without service of copy, a purported "Amendment" to the unsigned and unverified complaint, which said Amendment was not signed by a person authorized to sign by said Section 751(b) of Chapter 110A, set forth verbatim on page 5 of this Petition; and petitioner objected to the denial of his request to examine such Amendment before filing;

and petitioner objected to ordering an answer to such Amendment within seven days, although the Committee Rules allow a minimum of 15 days, with timely Notice and service of copy before filing. (Vol. I, transcript of proceedings, pages 9, 10, 13, last paragraph; pages 13, 14; page 24, last paragraph; Addendum to Record, page 23; Vol. I of Record, page 51, page 54, paragraph 1; page 62, page 63, paragraph 2; Vol. III of Record, page 380, paragraphs 2nd, 3rd, 4th and fifth.) (Appendix A, infra, page 9).

(k). On November 10, 1966, the second session convened by the assemblage of persons above named, purporting to be empowered as aforementioned , the petitioner objected and challenged the asserted jurisdiction and authority of such persons to receive as "evidence" a photocopy of an order which was vacated or amended 44 days previously, nunc pro tunc as of September 12, 1966, showing that a Complaint in the Federal Court Case No. 66 C 1351 (Vol. II of Record, page 153), was dismissed "without prejudice". A photocopy of the amended order is attached to petitioner's Objections made part of Record, marked Exhibits "1", "1-A", pages 6-A,6-B. (Vol. I, transcript of proceedings, pages 101, 114, 115, 117, 119, 120. 121, 122; Vol. I of Record, page 64, par. 3, continued on page 65; Vol. III of Record, page 381, 3rd par.) (Appendix A, infra, page 9).

(l). On February 1st, 1968, an ex parte illegal session was convened by the assemblage of persons above named, purporting to be empowered as aforementioned, after receiving

petitioner's letter and Notice, via Certified Mail, with Return Receipt showing delivery on January 29, 1968, that petitioner's case in the Federal Court, No. 66 C 1773, (Vol. I of Record, pages 29-35; Vol. II of Record, page 223), wherein Lester Asher, presiding in the proceedings against petitioner was a defendant, was pending, and to desist from convening sessions during the pendency of said case in the Federal Courts. (Vol. II of Record, page 223, showing that the Notice was filed on January 29, 1968; Vol. II, transcript of proceedings, pages 133-134, 136, 147-148, 150). (Appendix A, infra, pages 9-10).

Lester Asher presiding, stated to Scheltheff, attorney for a pretended, unseen and unheard of complainant:

"I think once again rested your case".

Scheltheff replied: "Yes, sir.:
(Vol. II, transcript of proceedings, page 155). (Appendix A, infra, page 10).

Lester Asher stated that Commissioner Cotsirilos disqualified, and excluded Commissioner Hickey, stating that Hickey will not partidpate in any of the decisions and consideration of the case. (Vol. II, transcript of proceedings, pages 157, 158). (Appendix A, infra,page 10.)

Thereupon, Lester Asher announced: "The case is, therefore, closed." (Vol. II, transcript of proceedings, page 159), and on page 1, Vol. I of Record, it is stated; "February 1,1968, Proofs closed." (Appendix A, infra, page 10).

(m). <u>On April 24, 1969,</u> a fourth illegal session was

convened, with only Lester Asher and Morris J. Wexler, present, each declaring that he was "chairman", purporting to be empowered as aforesaid.

Although on November 10, 1966, it was stated that complainant rests (Vol. I of transcript of proceedings, page 120, first 2 lines), and although on February 1st, 1968, the third illegal session convened, hereinabove described on pages 14-15, paragraph (1), the presiding Lester Asher announced, "The case is, therefore, closed", (Vol. II of transcript of proceedings, page 155), which is confirmed on page 1 of Volume I of Record with the statement, "February 1, 1968, Proofs closed", the aforesaid Lester Asher and Morris J. Wexler, allowed John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant, to offer copies of complaints in the private litigation of petitioner, past and pending, in "evidence", without previous Notice, without service of any papers, without a complaint, without a complainant or any witness to testify, and without evidence.(Appendix A, infra, pages 10-11).

The petitioner objected and challenged the jurisdiction and authority of the said Lester Asher and Morris J. Wexler, to proceed and act in violation of the Constitutional guaranties of Due Process and Equal Protection of the Laws.

They ordered a session for May 8, 1969, the fifth one. In Volume I, page 1, it is stated that the "Hearings held" were only on October 6, 1966, November 10, 1966 and February 1st, 1968. (Appendix A, infra, page 11).

(n). On May 8, 1969, which was two years, five months and 29 days after November 10, 1966, when the said Schelthoff declared that complainant rests, the petitioner objected and challenged the asserted jurisdiction and authority of the assemblage of persons, presided by Lester Asher, to receive as "evidence" copies of Complaints of petitioner's past and pending litigation, as individual, without a signed and verified or signed complaint, as required by Section 751(b) of Chapter 110A of the Illinois Revised Statutes, set forth verbatim on page 5 of this Petition, without a complainant or any witness appearing to testify, and without proof. Lester Asher, presiding, ordered: received as "evidence" as of April 24, 1969. (Vol.III, May 8, 1969, transcript of proceedings, page 54; April 24, 1969, transcript of proceedings, pages 184, 185, 190, 199). (Appendix A, infra, page 11).

Commissioner Warren J. Hickey, was not present in any of the previous sessions (Vol. III, transcript of paroceedings, page 20); and Commissioner Kevin J. Gillogly, was only present once before, on November 10, 1966 (Vol. III, transcript of proceedings, page 14). (Appendix A, infra, page 11).

(o). Petitioner made repeated demands for respondents to furnish him the names of witnesses, if any, and a list of documents proposed to be offered in evidence. All demands were denied. (Addendum to Record, page 23; Vol. I of Record, page 53; Vol. I, transcript of proceedings of October 6,1966, page 21, last paragraph; page 23, 7th and 8th paragraphs;

Vol. I, transcript of proceedings of November 10,1966, page 65, 3rd paragraph; page 66, first paragraph.) (Appendix A, infra, page 11).

(p). Volume IV of"Report" , signed by the said Lester alone, is labeled "Findings of the Committee on Grievances", knowing that thereis no signed and verified or signed Complaint against petitioner, by a person or persons required and specified under Section 751(b), of Chapter 110A of the Illinois Revised Statutes; and knowing that no complainant or any witness appeared to testify; and no proof was made of the allegations contained in such unsigned and unverified complaint, consisting of conclusions and innuendoes only (Vol. I of Record, pages 2-7); and knowing that such "Findings" are fictitious, and were made, published and circulated with the caption "In the Supreme Court of Illinois", in order to give such "Findings" a wider cieculation, since on to wit: Nacvember 14, 1969, which was five months and 20 days before the filing on May 4, 1970, in the Illinois Supreme Court.(App.A,infra,pp.11-12).

Such "Findings" are prefaced by a statement consisting of unfounded and unproven conclusions only, demonstrating the willful and malicious defamation mongering of the signer of such "Findings".

No reference to the pages are made in support of such "Findings". They reveal a devious technique of lumping into one paragraph words plucked out of context from more than one page, thereby disterting, falsifying and omitting

the highly specific fact allegations in petitioner's Complaints attached to Volumes I, II and III of "Report". (Appendix A, infra, page 12).

(q). On April 13, 1970, a paper labeled "ORDER", signed by one Dean A. Esling alone, was delivered by mail to petitioner, postmarked April 10, 1970 and dated April 3rd, 1970, approving "The Report and Findings" of Lester Asher, described above, "with the exception of Finding No. 10 Volume IV, page 391)", which had falsely charged that petitioner had filed a certain action on behalf of Sherman H. Skolnick, which said action was prepared and filed by Skolnick alone, more fully related on page 3, paragraph 7 of Appendix, and Skolnick's Affidavit attached as Exhibit "1", page 4 of Appendix A.

Said "ORDER" allowed only seven days with only four working days to file Objections before the Board of Managers. (Appendix A, infra, page 12).

(r). On April 28, 1970, a paper labeled "ORDER" signed by Frank Greenberg alone, was delivered by mail to petitioner, dated April 23, 1970, denying petitioner's timely Motion, for extension of time to file Objections, and denying petitioner's request for oral Argument, and ordering that such Report as amended and approved be filed in the Supreme Court of Illinois, on May 4, 1970. (Appendix A, infra, pages 12-13).

The said Frank Greenberg and Dean A. Esling, refused petitioner's request to state the names of members of Committee on Grievances and Board of Managers, who participated and approved the making, issuance and circulation of the paper labeled "ORDER".

Frank Greenberg informed the petitioner that such "ORDER" was decided by a "quorum" and that the Commissioners "sat in judgment". He refused to furnish a copy of by-laws or rules to petitioner, defining what constitutes a "quorum". (Appendix A, infra, page 13).

(s). The said Lester Asher and Morris J. Wexler, each asserting the title of "Chairman", and Frank Greenberg, could not, were not and should not be authorized to violate the Constitutional guaranties of Due Process and Equal Protection of the Laws, and to violate Section 751(b) of Chapter 110A, Illinois Revised Statutes, set forth verbatim on page 5 of this Petition, holding mock proceedings without a signed and verified or signed complaint, without a complainant or any witness having appeared to testify, and without evidence; and the said Lester Asher, Morris J. Wexler, Dean Esling and Frank Greenberg, could not, did not and should not have jurisdiction and authority to sit in "judgment", making, issuing and circulating papers labeled "ORDER", personating judicial officials and simulating legal process. (Appendix A, infra, page 13).

(t) On June 10, 1970, the petitioner discovered that a copy of "Report of Committee on Grievances as Commissioners" was caused to be circulated and placed for public view in the public wash room of an office building at 134 North La Salle Street, Chicago, Illinois, where many lawyers maintain offices. The first page of such "Report" contained the following caption:

"No.

"IN THE

"SUPREME COURT OF ILLINOIS"

"IN THE MATTER OF "PETER S. SARELAS "AN ATTORNEY"	"Commissioners No.1369"

(Appendix A, infra, page 15.)

(u). The public interest in the purity and integrity of judicial process, was and is offended by activities of the ring leaders in the instant matter, bringing the judiciary and legal profession into disrepute. The following are examples:

(1) Frank Greenberg, during his presidency of the Chicago Bar Association, allowed, permitted and condoned the defamation, ridicule and insult of a Federal Judge, publicly and repeatedly during performances of a stage production sponsored by the Chicago Bar Association in December, 1969, knowing that the Judge was presiding in "Conspiracy 7" criminal trial then pending. Such bizarre debasement of a Federal Judge, who was assigned to perform

a duty in a trial involving the national security of the United States, also offended the sense of propriety and good taste of worthy people.

Specific references to the Chicago Tribune, Chicago Daily News, Chicago Sun-Times, and Chicago's Today, with dates and pages, reporting and editorializing on such grotesque public disgrace of a Federal Judge, are found in Appendix A, infra, page 14.

The Chicago Daily News of August 7, 1969, page 5, last 3 columns, in big bold type letter headlines announced:

"Greenberg Reform Plan

"Bar Chief asks end to 'hacks on Bench'."

The article quotes Frank Greenberg:

"Some judges have no better qualifications for the judicial system than the brownie points they got working for their political parties'." (App.A,infra,p.14).

No disbarment proceedings were instituted against the said Frank Greenberg.

(2) Walter H. Moses, has been condemned by eleven Judges for making and publicizing court bribe charges, at the time he was president of the Chicago Bar Association in 1963, bringing the courts into disrepute, and such condemnation was widely publicized in the Metropolitan newspapers of Chicago, Illinois, including the Chicago Daily News, and Chicago Tribune. Specific references to dates and pages are found in Appendix A, infra,page 2.

No disbarment proceedings were instituted against the said Walter H. Moses.

(3) Lester Asher: The Chicago Tribune of January 27, 1969, on page 1, column 6, continued on page 2, column 4, described the devious techniques of Lester Asher, involving the "rigging" of the results of voting by members of the Teamsters Union, Local 711. The Chicago Tribune reported that Lester Asher and his collaborator "left the hall quickly after the results were announced." A member of the Union denounced Lester Asher and his collaborator, stating:

"This may be local 711, but we rolled snake eyes when we got those two guys".

(Appendix A, infra, pages 13-14).

No disbarment proceedings were instituted against Lester Asher.

(4) Morris J. Wexler, another purported "Chairman", and confrere of Lester Asher: Chicago's American on October 10, 1966, on page 7, last two columns, described the techniques of Morris J. Wexler, in the freeing of two accused possessors of narcotics, by asserting that "barbiturate pills found in a bookcase were accessible from the public area." (Appendix A, infra, page 14).

No disbarment proceedings were instituted against the said Morris J. Wexler.

(5) Morris L. Simons, purporting to be empowered as a functionary of the Chicago Bar Association, on March 3rd, 1966, sought to frighten and intimidate the petitioner, and sought to induce him to violate attorney-client ethics and privilege, regarding matters handled by petitioner in 1962, for his then client, Sherman H.Skolnick.

On March 4, 1966, petitioner received a letter from said Morris L. Simons, stating:

"This is to confirm our telephone conversation on March 3, 1966 in which you declined to discuss your representation of Mr. Sherman H. Skolnick before Judge Joseph S. Perry without the consent of Mr. Skolnick."

(Vol. I of Record, page 66; Vol. III of Record, page 379; Addendum toRecord, page 6; Vol. I of Record, page 66; Vol. III of Record, page 379.)(Appendix A, infra,page 6).

The receipt on March 4, 1966, of the above quoted letter from Morris L. Simons, was followed by an unsigned, unverified, and fictitious complaint against petitioner, 24 days thereafter, on March 28, 1966. (Vol. I of Record, page 1, ¶).(App. A, infra, page 6).

No disbarment proceedings were instituted against the said Morris L. Simons.

(6) Lester Asher, Morris J.Wexler, David Jacker, Sydney Wolfe, the pretended commissioners, agents or servants of the respondents herein, and John W. Schelthoff, their attorney, caused, permitted and condoned the hiring of an

armed person wearing a policeman's uniform to invade petitioner's office on October 5, 1966, in the late afternoon, who took a position of aiming against petitioner, to frighten and menace him, and after making all the terrorizing and menacing gestures and motions, pulled out a paper labeled subpoena, commanding the petitioner to appear on October 6, 1966, at 6:30 P.M., before such assemblage of persons. (Addendum to Record, page 21; Vol. I of Record, pages 62-63; Vol. I, transcript of proceedings, pages 5-7, 10, 16-17,19-20). (Appendix A, infra, par. (g), pages7-8).

NN disbarment proceedings were instituted against the said Lester Asher, Morris J. Wexler, David Jacker, Sydney Wolfe and John W. Schelthoff.

(7) John W. Schelthoff, personating as the attorney for pretended, unseen and unheard of complainant:

On October 6, 1966, offered as "evidence" an altered, unsigned complaint against petitioner, which contained Schelthoff's changes, notations, interlineations, which he admitted to have been made by him in his office, and the said Schelthoff refused to furnish a copy to petitioner of such altered complaint, although repeatedly requested. (Vol. I of transcript of proceedings, pages 36-38; Vol. I of Record, page 52, par. 2; page 54, page 63,second paragraph; Addendum to Record, page 23, par. 2; Vol. III of Record, page 380, last paragraph; Vol. II, transcript of proceedings, page 128). (Appendix A, infra, pages 8-9).

On October 6, 1966, Scholtheff, without Notice, and without service of copy, filed instanter a purported Amendment to the unsigned and unverified complaint, which said Amendment was not signed by a person authorized and specified by Section 751(b) of Chapter 110A of the Illinois Revised Statutes, set forth verbatim on page 5 of this Petition. Petitioner's request to examine such Amendment before filing, was refused. (Vol. I, transcript of proceedings, pages 9-10, page 13, last paragraph; pages 13-14; page 24, last paragraph; Addendum to Record, page 23; Vol. I of Record, pages 51, 54, paragraph 1; page 62, 63, paragraph 2; Vol. III of Record, page 380, paragraphs 2nd, 3rd, 4th, 5th). (Appendix A, infra, page 9).

On November 10, 1966; Scholtheff, offered as "evidence" a photocopy of an order, knowing that such order had been vacated or amended 44 days previously, nunc pro tunc as of September 12, 1966, in the Federal Court Case No. 66 C 1351,, showing that the Complaint therein was dismissed "without prejudice". (Vol.I, transcript of proceedings, pages 101, 114-115, 117, 119-122; Vol. I of Record, page 64, par. 3, continued on page 65; Vol. III of Record, page 381, 3rd par.) (Appendix A, infra, page 9).

On April 24, 1969, Scholtheff, without Notice and without service of any papers on petitioner, and without a complaint, without a complainant or any witness to testify, and without evidence, offered copies of complaints in the private litigation of petitioner, past and pending, as "evidence", although on November 10, 1966, it was stated that complainant rests, and on February 1st, 1968, the presiding Lester Asher stated, "The case is, therefore, closed". (Vol. 1, of

transcript of proceedings, page 120, lines 1-2; Vol. II, of transcript of proceedings, page 155.) (Appendix A, infra, pages 10-11).

On May 8, 1969, which was two years, five months and 29 days after November 10, 1966, when it was stated that complainant rests, Scholtheff, offered as "evidence" copies of Complaints of petitioner's past and pending litigation, as individual, without a complaint, without a complainant or any witness appearing to testify, and without proof. Lester Asher, presiding, ordered: received as "evidence" as of April 24, 1969. (Vol. III, transcript of proceedings of May 8, 1969, page 54; transcript of proceedings of April 24, 1969, Vol. III, pages 184-185, 190, 199.) (Appendix A, infra, page 11).

No disbarment proceedings were instituted against the said John W. Scholtheff, for such atrocious and anarchistic defiance of the Constitutional guaranties of Due Process and Equal Protection of the Laws. The condemnation, approval and participation of the respondents' commissioners, makes them equally guilty.

REASONS FOR GRANTING THE WRIT.

I.

The questions presented raise basic issues as to whether Illinois, by an overly broad and vague law (Section 751(a), Chapter 110A, Illinois Revised Statutes, set forth verbatim on page 5 of this Petition), can purport to empower the respondents herein, to act as a super-court, or board of inquisition, over and above the duly constituted state and federal court system, to interfere with state and federal court private litigation, and thereby take away from Illinois citizens and residents the equal right to access to state and federal courts, and the equal right to sue, be parties, give evidence, and the right to the full and equal benefit of all laws and proceedings for the security of person and property.

Such state law is obviously repugnant and violates Due Process and Equal Protection of the Laws guaranteed by the Fourteenth Amendment to the Federal Constitution.

The Fourteenth Amendment guarantees equal access to courts to prevent and redress wrongs and to enforce rights. Enfield v. Bailleaux, 290 F.2d 632, 636 (Cir. 9, 1961); Stiltner v. Rhay, 322 F.2d 314, 316 (9 Cir. 1963); Spires v. Bettorf, 317 F.2d 273, 274 (7 Cir. 1963); In re Ah Fong. 1 Fed. Cas. 102, 3 Sawy. 144.

Equal right to remedy and justice is also guaranteed by the Illinois Constitution; Article II, Section 19.

"The basic principle is that a statute is bad if it 'either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application,' Connally v. General Construction Co., 269 U.S. 385, 391, 46 S.Ct. 126, 127, 70 L.Ed. 322,328 (1926)." State v. Smith, 46 N.J. 510, 518, 218 A 2d 147, 151 (1966).

The proceedings below,related under Statement of the Case (pp. 7-27), demonstrate that petitioner objected and challenged the jurisdiction and authority of respondents purporting to be empowered to violate the federal Constitutionally protected rights of petitioner, and to interfere with, inquire into, review and readjudicate petitioner's private litigation, past and pending in the state and federal courts, and to act as a super-court or board of inquisition.

Such activities of respondents are made criminal offenses under Title 18, United States Code; Sections 241, 242, 1503, the pertinent provisions of which are set forth on page 6 of this Petition.

The Constitution of Illinois vests judicial power solely in the duly constituted courts, and the courts have no power to delegate any of their duties to any person or persons, not of the judicial branch of government.

Illinois Constitution, Article VI, Section 1;
Kelly v. Fahmey, 145 Ill. App. 80, 99-100, affirmed 242 Ill. 240.

Frank Greenberg, chairman of respondents boastfully declared that the respondents as Commissioners, "sat in judgment". (Appendix A, infra, page 13).

The respondents, having proceeded unconstitutionally, are stripped of their asserted official character. Ex parte Young, 209 U.S.123, 52 L.Ed. 714.

A state law that purports to empower respondents, as its agents, to act as a super-court or board of inquisition, over and above the duly constituted state and federal court system, opens the way to infamous abuses of the rights of citizens. Such abuses are related with specific references to the Record, pages 7-27, of this Petition.

The respondents, purporting to be empowered under Section 751(a), Chapter 110A, Illinois Revised Statutes, set forth verbatim at page 5 herein, without a signed and verified or signed complaint, and without a complainant or any witness appearing to testify, and without proof, arrogated to themselves the power to interfere with and inquire into the private litigation of petitioner, past and pending, persecuting judicial officials, simulating legal process, and issuing papers labeled "SUBPOENA", and acting as a super-court or board of inquisition, pre-determined to commit evil and destroy the petitioner. (See: Statement of the Case, giving specific references to the Record, pages 7-27).

The filing in a state or federal court of legal papers by a party-litigant acting on his own behalf and his prosecution of legal actions affecting his own person, property, and reputation, or the statements made by a witness in court, cannot be the foundation of any accusation

or prosecution, action, or complaint, in any other court or place whatsoever. Of what avail and effect are final court judgments, if another body, purporting to be a super-court or board of inquisition, can interfere with, re-open private litigation and inquire into the motives of private litigants and make accusations against the private litigants, without a signed and verified or signed complaint, without a complainant or any witness appearing to testify, and without proof, as respondents are doing? Such behavior pattern of respondents demonstrates that they know that their accusations are fictitious and false.

Lawyers are not relegated to a watered-down version of constitutional rights. Garrity v. State of New Jersey, 385 U.S.493, 500 (1967).

A person "certainly does not forfeit his constitutional rights as freeman by becoming an attorney". Ex parte Steinman, 95 Pa. 220, 40 Am. Rep. 637.

> "Moreover, the requirements of procedural due process must be met before a State can exclude a person from practicing law. 'A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment.' Schware v. Board of Bar Examiners, 353 U.S. 232, 238-239, 77 S.Ct.752, 756, 1 L.Ed.2d 796. As the Court said in Ex parte Garland, 4 Wall. 333, 379, 18 L.Ed.366, the right is not 'a matter of grace and favor.'" Willner v. Committee on Character and Fitness, 83 S.Ct. 1175, 1179-1180 (1963).

And the Supreme Court further said at page 1180, second column, first paragraph:

"We have emphasized in recent years that procedural due process often requires confrontation and cross-examination of those whose word deprives a person of his livelihood. (Citing authorities.)"

And at page 1181, second column, the Supreme Court said:

"see '(t)he requirements of fairness are not exhausted in the taking or consideration of evidence, but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps'". (Citing authorities).

In the instant matter there was no signed and verified or signed complaint; no complainant and no witness appeared to testify, and no proof was made. Respondents' purported "Findings" with non-existent evidence, are also fictitious and false.

CONCLUSION.

For the reasons above stated, it is respectfully submitted that the Petition for a Writ of Certiorari be granted.

Respectfully submitted,

Peter S. Sarelas,
Petitioner, Pro Se.

APPENDIX "A"

NO. 43138

IN THE SUPREME COURT OF ILLINOIS

STATE OF ILLINOIS }
COUNTY OF COOK } SS.

PEOPLE OF THE STATE OF ILLINOIS,
Ex Rel. PETER S. SARELAS,
Petitioner,
vs.
BOARD OF MANAGERS AND COMMITTEE ON GRIEVANCES
OF THE CHICAGO BAR ASSOCIATION, AS COMMISSIONERS
OF THE SUPREME COURT OF ILLINOIS,
Respondents.

In the Matter of:
Peter S. Sarelas,
An Attorney. } Commissioners No. 1369

PETITION FOR WRIT OF PROHIBITION.

To the Honorable Justices of the Supreme Court of Illinois:

Petitioner The People of the State of Illinois, on the relation of Peter S. Sarelas, respectfully represents unto the Court as follows:

1. That the relator at all times hereinafter mentioned and for a long time prior thereto, was and is a resident of the City of Chicago, County of Cook and State of Illinois, and is duly licensed by the Supreme Court of Illinois, as Attorney and Counselor; and by the Supreme Court of the United States as Attorney and Counselor; and by the United States Court of Appeals for the Seventh Circuit, as Attorney and Counselor; and by the United States District Court for the Northern District of Illinois, as Attorney, Counselor and Proctor.

2. That the relator is the same person in the matter now pending before this Court, docketed as No. 43138, and entitled "In the Matter of: Peter S. Sarelas, An Attorney", filed by the above named respondents.

3. That the above named respondents filed in this Court papers labeled "Report", with the recommendation that relator be disbarred, without a signed and verified Complaint or a signed Complaint (Vol. I of Report, p. 7), as required and specified by Rule 751(b) of the Illinois Supreme Court; without any complainant or any witness having appeared to testify (Vol. I, transcript of proceedings, p. 41); and without proof.

4. That after many demands for a photocopy of the original complaint, showing the signature in the proper handwriting of a complainant, as required by Rule 751(b) of the Illinois Supreme Court of Illinois, and by Chapter 131, Section 1.15 of the Illinois Revised Statutes, 1965-1969, the relator was furnished with a photocopy showing a signature, not in the proper handwriting of a complainant.

Such photocopy showed a simulated signature as follows:

"Walter H. Moses /s/", and of "Paul B. Youle /s/". (Addendum to Record, page 14).

Both, Walter H. Moses and Paul B. Youle, were unknown to relator, with whom he never had any dealings.

The said Walter H. Moses, has been condemned by eleven (11) Judges for making court bribe charges publicly, at the time he was president of the Chicago Bar Association in 1963, bringing the courts into disrepute, and said condemnation was widely publicized in the Metropolitan newspapers of Chicago: Chicago Daily News, May 9, 1963; Chicago Tribune, May 9, 1963, Section 1, page 10. (Exceptions and Objections filed May 14, 1970, pages 6-7, set forth quotations; also in Objections to "Report" filed below and in this Court, pages 12-13).

5. That the said unsigned and unverified Complaint (Vol. I of Report, pp. 1-7) consists of conclusions only, with false characterizations, distortions and innuendoes of complaints filed in the State and Federal Courts in the private litigation of relator, as an individual, past and pending.

6. That said unsigned, unverified and unproven Complaint charged that relator brought the "legal profession into disrepute" and impaired "public confidence in the integrity of the judicial system".

(Vol. I of Report, page 2, second paragraph).

7. That such unsigned, unverified and unproven Complaint , published and circulated since March 28, 1966 (Vol. I of Report, p. 1), linked the relator with the private litigation of Sherman H. Skolnick, knowingly falsely alleging that relator "acted as attorney for Sherman H. Skolnick", (Vol. I of Report, p. 6, par. (8).)

That such allegation incorporated as "Finding" No. 10, in Volume IV, of Report, page 391, was not approved in the "Order" of Committee on Grievances and Board of Managers, respondents herein, dated April 3,1970, and is completely refuted in the Affidavit of Sherman H. Skolnick, attached hereto as Exhibit "1", page 3-A, stating highly specific facts, and is also attached as Exhibit "2" to relator's Objections filed below and in this Court, page 10-A.

That the undisputed facts in the Affidavit of Sherman H. Skolnick, show that he alone researched, prepared, typed and filed his suit; that he alone appeared as plaintiff, pro se, and that he has and had an extensive private law library, of some 6,000 volumes, at his residence. And it further shows that he alone, as plaintiff-appellant, pro se, researched, prepared, typed, mimeographed, and filed plaintiff-appellant's Brief, Appendix, Reply Brief, and other papers in said case entitled Sherman H. Skolnick v. Albert E. Mallett and Harry G. Fins, defendants-appellees, No. 14779, in the United States Court of Appeals, 7th Circuit; that he alone, presented oral argument in said appeal; and that he alone, petitioned the Supreme Court of the United States for certiorari in said case.

8. That the respondents above named, purporting to be empowered by Rule 751 of the Illinois Supreme Court, have acted and continue to act, in respect to the relator, as a super-court or board of inquisition, with purported power to inquire into, review and re-adjudicate the private litigation of relator as an individual, past and pending; and to intermeddle, interfere with, obstruct and deprive the relator of the equal right to sue, to be a party litigant, to give evidence, and to deprive relator of the full and equal benefit of all laws and proceedings; and said respondents, purporting to be empowered

STATE OF ILLINOIS)
COUNTY OF COOK) SS. AFFIDAVIT.

Sherman H. Skolnick, being first duly sworn on oath, deposes and says that if called as a witness in any proceedings, he could testify from personal knowledge as to the following:

1. That he was the plaintiff, pro se, in the case of Sherman H. Skolnick, plaintiff, vs. Albert E. Hallett and Harry G. Fins, No. 64 C 1084, in the United States District Court for the Northern District of Illinois, Eastern Division.

2. That he, and he alone, researched, prepared, typed, and filed the said suit. That he, and he alone, appeared as plaintiff, pro se, in the United States District Court in certain proceedings in said case. Affiant has and had an extensive private law library, of some 6,000 volumes, at his residence.

3. On appeal in said case, he,and he alone, as plaintiff-appellant, pro se, researched prepared, typed, mimeographed, and filed plaintiff-appellant's Brief, Appendix, Reply Brief, and other papers, in said case entitled Sherman H. Skolnick, plaintiff-appellant, vs. Albert E. Hallett and Harry G. Fins, defendants-appellees, No. 14779, in the United States Court of Appeals, 7th Circuit.

4. Affiant, and affiant alone, presented the plaintiff-appellant's oral argument in said appeal No. 14779.

5. That he , and he alone, as petitioner, pro se, petitioned the Supreme Court of the United States for certiorari in said case.

Sherman H. Skolnick

Sherman H. Skolnick,
9800 South Oglesby Avenue
Chicago, Illinois 60617

Subscribed and sworn to before me
this 6th day of February, C.E. 1970.

SC Bidwell

notary public.

Exhibit "1"

as aforementioned, caused, procured and acquiesced in the harassment, intimidation, oppression and torment of relator by convening multiple sessions, without jurisdiction and without authority, uttering, publishing, and circulating repetitiously, false and malicious libel, slander and defamation against relator, all without a signed and verified complaint, or a signed complaint, as required and specified by Rule 751(b) of the Illinois Supreme Court; without a complainant or any witness appearing to testify; and without proof of the allegations in such unsigned complaint, consisting of conclusions only (Vol. I, p. 7; pp. 2-7 of "Report"); all in violation of the Constitutional guaranties of Due Process and of Equal Protection of the Laws, and of Rule 751(b) of the Illinois Supreme Court, as shown from the following:

(a) On November 4, 1965, the relator received a letter dated November 2, 1965, on the letterhead of the Committee on Inquiry, signed by the Secretary, the pertinent parts of said letter are as follows:

> "I am directed by the Committee on Inquiry of the Chicago Bar Association to advise you that it has instituted an inquiry concerning you with regard to certain litigation involving certain Judges."
>
> "The Committee directs that you be present, and bring with you your files and records in this matter." (Addendum to Record, p. 1).

On November 4, 1965, relator herein, addressed a letter to the Committee on Inquiry, The Chicago Bar Association, to the attention of its Secretary, the pertinent parts of said letter being as follows:

> "I request that you furnish me by November 9th, 1965, the following:
>
> "1. Copy of Complaint, if any, with full specifications as to the matter of inquiry.
>
> "2. The name of the complainant, if any.
>
> "3. The nature and reason, source and purpose of the inquiry.
>
> "4. What 'certain judges', and what 'certain litigation', referred to in the first paragraph of your letter.
>
> "5. Copy of the Rules of the Committee.
>
> "6. List of members of the Committee.
>
> "7. List of members of sub-committee, if any.
>
> "8. What 'files and records in this matter' are referred to

'paragraph third of your letter stating, 'and bring with you your files and records in this matter.'

"Please acknowledge receipt of this letter".
(Addendum to Record, page 2).

Receiving no response, relator addressed a second letter to the attention of the Secretary of said Committee on Inquiry, demanding once again to be informed as he had requested in his letter of November 4, 1965. (Addendum to Record, page 3).

Relator received no response to his two letter, but instead on November 19, 1965, he received a letter from the Secretary of Committee on Inquiry, dated November 18, 1965, repeating substantially the same as his letter of November 2, 1965 (Addendum to Record, p. 1), and ordering again that relator bring his files and records without specific reference as to what files and records. (Addendum to Record, p. 4).

On November 23, 1965, relator addressed a third letter to the Committee on Inquiry, attention of its Secretary, repeating his demand to be informed, and to said letter there was no response. (Addendum to Record, page 5).

(b) On March 3rd, 1966, one Morris L. Simons, purporting to be empowered as aforementioned, by and through the medium of the telephone, sought to frighten and intimidate the relator herein, and sought to induce him to violate attorney-client ethics and privilege, regarding matters handled by relator in 1962, for his then client, Sherman H. Skolnick. (Vol. I of Report, page 66; Vol. III of Report, page 379).

(c) On March 4, 1966, a letter was delivered to relator through the United States Mail, dated March 3rd, 1966, signed by the said Morris L. Simons, for the obvious purpose to frighten and intimidate the relator, in which said letter, Morris L. Simons, states:

"This is to confirm our telephone conversation on March 3, 1966 in which you declined to discuss your representation of Mr. Sherman H. Skolnick before Judge Joseph S. Perry without the consent of Mr. Skolnick."
(Addendum to Record, page 6; Vol. I of Report, page 66; Vol. III of Report, page 379).

(d) On March 28, 1966, the above described unsigned and unverified complaint was filed. (Vol. I, of Report, p. 1, 7).

(e) On April 7, 1966, Charles E. Herzog, simulated legal process and personated a judicial official by making, issuing and signing a paper labeled "Order" and ordering service of an unsigned and unverified complaint on relator and ordering "hearing" before the Grievance Committee. (Addendum to Record, page 16).

The said Charles E. Herzog, was the law partner and associate of Charles T. Martin, who was sued by Sherman H. Skolnick in 1962, for damages for torturing, terrorizing and intimidating Skolnick, a paraplegic invalid and cripple, for four hours and twenty minutes continuously in their office, under the sham and pretense of taking his deposition. (Vol. I of Report, pp. 17-18, par. 15(b); Vol. II of Report, page 156, par. 15(b), and page 157, first paragraph).
See: Skolnick v. Martin, 47 Ill. App. 2d 167, 197 N.E.2d 739, at 740, second column.

(f) On April 7, 1966, the respondents, purporting to be empowered as aforementioned, caused an unsigned and unverified complaint to be published and circulated against relator, simulating process and simulating judicial proceedings, said complaint containing false, distorted and defamatory descriptions of the private litigation of relator, as individual, linking him with the litigation of Sherman H. Skolnick, in which relator was a total stranger. (Vol. I of Report, pp. 1-7, p. 7).

(g) On October 5, 1966, in the late afternoon, the respondents, purporting to be empowered as aforementioned, caused an armed person wearing a policeman's uniform to invade relator's office, who took a position of aiming against relator to frighten and menace him, and after making all the terrorizing and menacing gestures and motions, pulled out a paper labeled subpoena, commanding the relator to appear on October 6, 1966, at 6:30 P.M., before an assemblage of persons consisting of Lester Asher, Morris J. Wexler, David Jacker, and Sydney Wolfe, deceased since April 6, 1969, (Addendum, page 21, Vol. I of Report, pp. 62-63; Vol. I, transcript of proceedings, pages 5, 6, 7, 10, 16-17, 19, 20), purporting to function as Commissioners, without jurisdiction, without authority, and in

violation of Rule 751(b) of the Illinois Supreme Court.

Chapter 38, Section 32-5, makes it a criminal offense to personate falsely a judicial or governmental official, and Chapter 38, Section 32-7 of the Illinois Revised Statutes, 1965-1969, makes it a criminal offense to simulate falsely legal process.

(h) On October 6th, 1966, the assemblage of persons above named, presided by Lester Asher, received the unsigned, unverified complaint against relator, consisting of unfounded and unproven conclusions only, in violation of Rule 751(b) of the Illinois Supreme Court; without a complainant or any witness appearing to testify; and without proof. (Vol. I of Report, page 7; pages 2-7).

John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant, stated that he has no witnesses. (Vol. I of Report, page 41 of transcript of proceedings).

The relator objected and challenged the jurisdiction and authority of said assemblage of persons to function and proceed, falsely personating judicial officials, and falsely simulating legal process, in violation of Chapter 38, Sections 32-5 and 32-7 of the Illinois Revised Statutes, 1965-1969; and in violation of the Constitution of Illinois, Article VI, Section 1, which vests judicial power solely in the duly constituted courts, with no power to delegate any of their duties to any person or persons; and in violation of Rule 751(b) of the Illinois Supreme Court.

(i) On October 6, 1966, the relator objected and challenged the asserted jurisdiction and authority of said assemblage of persons, presided by Lester Asher, to receive as "evidence" an altered unsigned complaint against relator, which contained changes, notations, interlineations, admitted to have been made by John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant, and such attorney refused to furnish to relator a copy of such altered complaint, although repeatedly requested. (Vol. I, transcript of proceedings, pp. 36, 37, 38; Vol. I of Report, page 52, par. 2; page 54, page 63, second paragraph; Addendum to Record, page 23, par. 2; Vol. III of Report,

page 380, last paragraph; Vol. II, transcript of proceedings, page 128).

(j) On October 6, 1966, the first session convened by the assemblage of persons, presided by Lester Asher, purporting to be empowered as aforementioned, the relator objected and challenged the pretended jurisdiction and authority of such persons to receive and file instanter, without Notice and without service of copy, a purported "Amendment" to the unsigned and unverified Complaint, which said Amendment was not signed by a person authorized to sign by Rule 751(b) of the Illinois Supreme Court; and to the denial of relator's request to examine such Amendment before filing; and to ordering the relator to answer within seven (7) days, although the Committee Rules allow a minimum of 15 days, with timely Notice and service of copy before filing. (Vol. I, transcript of proceedings, pp. 9, 10, 13, last paragraph; pp. 14, 15, 24, last paragraph; Addendum to Record, page 23; Vol. I of Report, pp. 51, 54, par. 1; pages 62, 63, par. 2; Vol. III of Report, page 380, paragraphs 2nd, 3rd, 4th and 5th.).

(k) On November 10, 1966, the second session convened by the assemblage of persons above named, purporting to be empowered as aforementioned, the relator objected and challenged the asserted jurisdiction and authority of such persons to receive as "evidence" a photocopy of an order which was vacated or amended 44 days previously, nunc pro tunc as of September 12, 1966, showing that a Complaint in the Federal Court Case No. 66 C 1351 (Vol. II of Report, p. 153), was dismissed "without prejudice". A photocopy of the amended order is attached to relator's Objections made part of the record in this Court, marked Exhibits "1", "1-A", pages 6-A, 6-B. (Vol. I, transcript of proceedings, pp. 101, 114, 115, 117, 119, 120, 121, 122; Vol. I of Report, page 64, par. 3, continued on page 65; Vol. III of Report, page 381, 3rd paragraph).

(l) On February 1st, 1968, an ex parte illegal session was convened by the assemblage of persons above named, purporting to be empowered as aforementioned, after receiving relator's letter and Notice, via Certified Mail, with Return Receipt showing delivery on January 29, 1968,

that relator's case in the Federal Court, No. 66 C 1773 (Vol. I of Report, pp. 29-35; Vol. II of Report, p. 223), wherein Lester Asher, presiding in the proceedings against relator, was a defendant, was still pending, and to desist from convening sessions during the pendency of said case in the Federal Courts. (Vol. II of Report, p. 223, showing that the Notice was filed on January 29, 1968; Vol. II, transcript of proceedings, pp. 133-134, 136, 147-148, 150).

Lester Asher, presiding, stated to Schelthoff, attorney for a pretended, unseen and unheard of complainant: "I think once again rested your case". Schelthoff replied: "Yes, sir." (Vol. II, transcript of proceedings, page 155).

Lester Asher further stated that Commissioner Cotsirilos disqualified, and Commissioner Hickey will not participate in any of the decisions and consideration of the case. (Vol. II, transcript of proceedings, pages 157, 158).

Thereupon, Lester Asher announced: "The case is, therefore, closed." (Vol. II, transcript of proceedings, page 159).

And on page 1, Volume I of Report, it is stated: "February 1, 1968, Proofs Closed".

(m) On April 24, 1969, a fourth illegal session was convened, with only Lester Asher and Morris J. Wexler, present, each declaring that he was "chairman", purporting to be empowered as aforesaid.

Although on November 10, 1966, it was stated that complainant rests (Vol. I of transcript of proceedings, p. 120, first 2 lines), and although on February 1st, 1968, the third illegal session convened ex parte, hereinabove described in paragraph (1), pages 8-9, the presiding Lester Asher announced, "The case is, therefore, closed", (Vol. II of transcript of proceedings, p. 155), which is confirmed on page 1 of Volume I of Report with the statement "February 1, 1968, Proofs Closed", the aforesaid Lester Asher and Morris J. Wexler, allowed John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant, to offer copies of complaints in the private litigation of relator, past and pending, as individual, in "evidence", without previous Notice, without service of any papers, without a complaint,

without a complainant or any witness to testify,and without proof.

The relator objected and challenged the jurisdiction and authority of the said Lester Asher and Morris J. Wexler, to proceed and act in violation of the Constitutional guaranties of Due Process and of the Equal Protection of the Laws.

They ordered a session for May 8, 1969, the fifth one. In Volume I, of Report, page 1, it is stated that the "Hearings Held" were only on October 6, 1966, November 10, 1966 and February 1, 1968.

(n) On May 8, 1969, which was two years, five months and 29 days after November 10, 1966, when the said Schelthoff declared that complainant rests, the relator objected and challenged the asserted jurisdiction and authority of the assemblage of persons, presided by Lester Asher, to receive as "evidence" Complaints of relator's past and pending litigation, as individual, without a signed and verified complaint or a signed complaint, as required by Rule 751(b) of the Illinois Supreme Court, without a complainant or any witness having appeared to testify, and without proof. Lester Asher, presiding,ordered: received as "evidence" as of April 24, 1969.(Vol.III, May 8, 1969, transcript, p.54; April 24, 1969 transcript, pp.184,185, 198, 199).

Commissioner Warren J. Hickey, was not present in any of the previous sessions (Vol. III, transcript of proceedings, page 20); and Commissioner Kevin J. Gillogly, was only present once before, on November 10, 1966 (Vol. III, transcript of proceedings, page 14).

(o) Relator made repeated demands for respondents to furnish him the names of witnesses, if any, and a list of documents proposed to be offered in evidence. All demands were denied. (Addendum to Record, page 23; Vol. I of Report, page 53; Vol. I, transcript of October 6, 1966, page 21, last paragraph; page 23, 7th and 8th paragraphs; Vol. I, transcript of November 10, 1966, page 65, 3rd paragraph; page 66, first paragraph).

(p) Volume IV of Report, signed by Lester Asher alone, is labeled "Findings of the Committee on Grievances", knowing that there is no signed and verified complaint or a signed complaint against relator, by a person or persons required and specified under Rule 751(b) of the

Illinois Supreme Court; and knowing no complainant or any witness appeared to testify during any of the sessions in this matter; and no proof was made of the allegations contained in such unsigned and unverified complaint, consisting of conclusions only and innuendoes (Vol. 1 of Report pp. 2-7); and knowing that such "Findings" are fictitious, and were made, published and circulated with the caption "In The Supreme Court of Illinois" since on to wit: November 14, 1969, five (5) months and 20 days before filing on May 4, 1970, in the Supreme Court.

Such "Findings" are prefaced by a statement consisting of unfounded and unproven conclusions only, demonstrating the willful and malicious defamation mongering of the signer of such "Findings".

That such "Findings" do not refer to the page or pages where the contents of the descriptions in said Volume IV of "Report" may be found. They reveal the devious technique of lumping into one paragraph words plucked out of context from more than one page, thereby distorting, falsifying and omitting the highly specific fact allegations in relator's Complaints attached to Volumes I, II and III of "Report".

(q) On April 13, 1970, a paper labeled "ORDER", signed by one Dean A. Esling alone, was delivered by mail to relator, postmarked April 10, 1970 and dated April 3, 1970, approving "The Report and Findings" of Lester Asher, above described, "with the exception of Finding No. 10 (Volume IV, page 391)" which had falsely charged that relator had filed a certain action on behalf of Sherman H. Skolnick, which said action was prepared and filed by Skolnick alone, more fully related on page 3, paragraph 7 of this Petition, and Skolnick's Affidavit attached as Exhibit "1", page 3-A.

Said "ORDER" allowed only seven (7) days with only four(4) working days to file Objections before the Board of Managers.

(r) On April 28, 1970, a paper labeled "ORDER" signed by Frank Greenberg alone, was delivered by mail to relator, dated April 23, 1970, denying relator's timely Motion, filed April 16, 1970, for extension of time to file Objections, and denying relator's request for Oral

Argument, and ordering that said Report as amended and approved be filed with the Supreme Court of Illinois on May 4th, 1970.

Both Dean A. Esling and Frank Greenberg refused relator's request to state the names of members of Committee on Grievances and Board of Managers, who participated and approved the making, issuance and circulation of the paper labeled "ORDER".

Frank Greenberg informed the relator that such "ORDER" was decided by a "quorum" and that the Commissioners "sat in judgment".

Under law, the persons purporting to act as Commissioners are merely agents of the Supreme Court for the purpose of gathering and reporting evidence, which is non-existent in this matter, and are not authorized to sit "in judgment".

Frank Greenberg, refused to furnish a copy of by-laws or rules to relator, defining what constitutes a "quorum".

(s) The said Lester Asher and Morris J. Wexler, each asserting the title of "Chairman", and Frank Greenberg, could not, were not and should not be authorized to violate the Constitutional guaranties of Due Process and Equal Protection of the Laws, and to violate Rule 751(b) of the Illinois Supreme Court, without a signed and verified complaint, or a signed complaint, without a complainant or any witness having appeared to testify and without proof; and the said Lester Asher, Morris J. Wexler, Dean A. Esling and Frank Greenberg, could not, did not and should not have jurisdiction and authority to sit in "judgment", making, issuing and circulating papers labeled "ORDER", personating judicial officials.

(t) The activities of Lester Asher and Morris J. Wexler, bringing the legal profession into disrepute are described in relator's Objections, which is part of the record in this Court, on page 51, last two paragraphs, continued on page 52, and the activities of Frank Greenberg bringing the courts and judiciary, including a Federal Judge, into disrepute, are described on page 15 of said Objections, incorporated here by reference.

The Chicago Tribune on January 27, 1969, Final four star edition, on page 1, column 6, continued on page 2, column 4, described the

devious techniques of Lester Asher and a collaborator involving the the "rigging" of the results of voting by members of the Teamsters Union local 711. The Chicago Tribune reported that Lester Asher and his collaborator "left the hall quickly after the results were announced." A member of the Union denounced Lester Asher and his collaborator stating "This may be local 711, but we rolled snake eyes when we got those two guys".

Chicago's American on October 10, 1966, page 7, last two columns, described the techniques and ethics of Morris J. Wexler, another purported "Chairman" and confrere of Lester Asher, in the freeing of two accused possessors of narcotics, by asserting that "barbiturate pills found in a bookcase were accessible from the public area."

Frank Greenberg, during his presidency, allowed, permitted and condoned the defamation, insult and ridicule of a Federal Judge publicly and repeatedly during each performance of a stage production sponsored by the Chicago Bar Association in December 1969, knowing that the Judge was presiding in the "Conspiracy 7" criminal trial then pending. Such bizarre debasement of a Federal Judge also offended the sense of propriety and good taste of worthy people.

Reference is made to Chicago Tribune, December 19, 1969, editorial; December 24, 1969, Letter, Section 1, page 8; December 27, 1969, Letter, Section 1, page 12; December 30, 1969, Section 1, page 3, last 3 columns; January 8, 1970, Section 1, page 3; January 9, 1970, page 1, columns 3-5; Chicago Daily News, December 30, 1969, page 4, last two columns; January 8, 1970, page 8, last two columns; January 9, 1970, page 17, last two columns; and on page 3, 3rd column; Chicago Sun-Times, December 20, 1969, page 24; December 30, 1969, page 22; January 9, 1970, page 5; Chicago's Today, December 18, 1969, editorial, page 20; December 20, 1969, page 6, columns 4-5.

The Chicago Daily News of August 7, 1969, page 5, last 3 columns, in Big bold type letter headlines announced:

"Greenberg Reform Plan "Bar Chief asks end to 'hacks on Bench'."

The article quotes Frank Greenberg:"Some Judges "have no better qualifications for the judicial system than the brownie points they got working for their political parties."

No disbarment proceedings have been instituted against such persons,

bringing the legal profession, courts and judiciary into disrepute.

(u) Relator is informed and believes and therefore states that the Objections filed by relator before the Committee on Grievances were not read by the Commissioners and that they relied on and followed the "Report and Findings" of the above described Lester Asher, without examining relator's Objections supported with Exhibits and documented.

(v) On June 10, 1970, the relator discovered that a copy of "Report of Committee on Grievances as Commissioners" was caused to be circulated and placed for public view in the public wash room of an office building at 134 North La Salle Street, Chicago, Illinois, where many lawyers maintain offices. The first page of such "Report" contained the caption:

"No.

"IN THE

"SUPREME COURT OF ILLINOIS"

"IN THE MATTER OF	)	
"PETER S. SARELAS	)	"Commissioners No. 1369"
"AN ATTORNEY"	)	

9. That the proceedings pursued and persisted upon by the respondents against relator, since November 2, 1965, as hereinabove related and documented, without a signed and verified or a signed complaint, as required by Rule 751(b) of the Illinois Supreme Court (Vol. I of Report, pp. 2-7); and without a complainant or any witness having appeared to testify; and without proof, subvert and negate our Constitutional system of government, and violate the Constitutional guaranties of Due Process and Equal Protection of the Laws, and have caused, continue to cause, and will in the future cause great and irreparable injury and harm against the person and property of relator.

10. That such Complaint, stripped of the conclusions and innuendoes contained therein, does not charge violation of any law or code of legal ethics.

11. That respondents could not, had not and do not have jurisdiction to conduct and pursue such proceedings against relator, their chosen victim, upon a complaint which violates the requirements specified in

Rule 751(3) of the Illinois Supreme Court, and does not charge violation of any law or Code of legal ethics, and therefore, the said respondents could not, do not and should not have jurisdiction and authority to pursue such illegal, mock and anarchistic proceedings in this Honorable Court.

12. That the relator has no adequate remedy in the premises other than by means of a Writ of Prohibition to be issued by this Court to prevent and restrain said respondents, the "Board of Managers and Committee on Grievances of The Chicago Bar Association, as Commissioners of the Supreme Court of Illinois", from continuing and pursuing the exercise of non-existent jurisdiction and authority in this matter.

WHEREFORE, the relator, Peter S. Sarelas, prays that this Court issue its Writ of Prohibition commanding the respondents "Board of Managers and Committee on Grievances of The Chicago Bar Association, as Commissioners of the Supreme Court of Illinois", to desist and refrain from any further proceedings in this matter hereinbefore mentioned, and for such other and further, or different, relief herein as the Court shall deem just.

Peter S. Sarelas, Relator.
30 North La Salle Street,
Chicago, Illinois 60602
CEntral 6-1442.

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

Peter S. Sarelas, being first duly sworn, on oath deposes and says: that he is the relator named in the foregoing Petition; that he has read said Petition and knows the contents thereof; and that the matters set out therein are true of his own knowledge, except as to those matters therein set forth upon information and belief, and as to those matters he believes them to be true.

Peter S. Sarelas.

Subscribed and sworn to before me,
this 23rd day of July, A.D. 1970.

Notary Public.

APPENDIX "B"

SUGGESTIONS IN SUPPORT OF MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION.

The Petition for Writ of Prohibition, is authorized by Article VI, Section 5, of the Constitution of Illinois, and proceeds in conformity with Rule 381 of the Supreme Court of Illinois, and is supported by direct references to the Record filed in this Court, docketed as Case No. 43138 in this matter.

The Petition discloses that since November 2nd, 1[illegible], the respondents herein, purporting to be empowered by Rule [illegible] of the Illinois Supreme Court, have acted and continue to act as a super-court or board of inquisition, sitting "in judgment" without jurisdiction and authority; without a signed and verified or a signed complaint, as required and specified by Rule 751(b) of the Supreme Court of Illinois, (Vol. I of Report, R. 7, pp. 2-7); and without a complainant or any witness having appeared to testify; and without proof; arrogating to themselves the role of a super-court to review, re-adjudicate, inquire into, intermeddle, interfere with, obstruct and deprive the relator of the equal right to sue, to be party litigant, to give evidence, and to deprive relator of the full and equal benefit of all laws and proceedings.

The said respondents, purporting to be empowered as aforementioned, caused, procured and acquiesced in the harassment, intimidation, oppression and torment of relator by convening multiple sessions, uttering, publishing and circulating repetitiously, false and malicious libel, slander and defamation against relator, all without a signed and verified or a signed complaint, as required and specified by said Rule 751(b); without a complainant or any witness having appeared to testify, and without proof of the allegations in such unsigned complaint, consisting of conclusions only (Vol I of Report, p. 7, pp 2-7); all in violation of the Constitutional guaranties of Due Process and of Equal Protection of the Laws, and of Rule 751(b) of the Illinois Supreme Court, as specified on pages 4-12 of the Prtition, paragraphs

(a) through (s); page 14, paragraphs (u) and (v), incorporated here by reference.

Respondents could not, had not, and do not have jurisdiction and authority to conduct and pursue such proceedings sitting "in judgment" with purported power to review, re-adjudicate, inquire into, interfere with, intermeddle and obstruct the private litigation of relator as an individual, past and pending, and therefore, such respondents could not, do not and should not have jurisdiction and authority to pursue such illegal, mock and anarchistic proceedings before this Honorable Court.

The Fourteenth Amendment to the Federal Constitution guarantees equal access to courts to prevent and redress wrongs and to enforce rights. Hatfield v. Bailleaux, 290 F.2d 632,636 (Cir., 9, 1961); Stiltner v. Rhay, 322 F.2d 314, 316 (9 Cir., 1963); Spires v. Bottorf, 317 F.2d 273, 274 (7 Cir., 1963); In re Ah Fong, 1 Fed. Cas. 102, 3 Sawy. 144.

Equal right to remedy and justice is guaranteed by the Constitution of Illinois, Article II, Section 19.

Lawyers are not relegated to a watered-down version of constitutional rights. Garrity v. State of New Jersey, 385 U.S. 493, 500 (1967).

A person "certainly does not forfeit his constitutional rights as freeman by becoming an attorney". Ex parte Steinman, 95 Pa. 220, 40 Am. Rep. 637.

The Supreme Court of the United States, in Willner v. Committee on Character and Fitness, 83 S. Ct. 1175 (1963) at page 1181, second column, stated:

> "see '(t)he requirements of fairness are not exhausted in the taking or consideration of evidence, but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps'". (Citing authorities).

And at page 1179, last paragraph, continued on page 1180, the Court said:

> "Moreover, the requirements of procedural due process must be met before a State can exclude a person from practicing law. 'A State cannot exclude a person from the practice of law or

from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment.' Schware v. Board of Bar Examiners, 353 U.S. 232, 238-239, 77 S. Ct. 752, 756, 1 L. Ed.2d 796. As the Court said in Ex parte Garland, 4 Wall. 333, 379. 18 L. Ed. 366, the right is not 'a matter of grace and favor.'"

And the Supreme Court further said at page 1150, second column, first paragraph:

"We have emphasized in recent years that procedural due process often requires confrontation and cross-examination of those whose word deprives a person of his livelihood. (Citing authorities.)"

Section 241 of Title 18, United States Code, makes it a criminal offense for any two or more persons to conspire "to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same;".

Title 18, Section 242, United States Code, makes it a criminal offense for "whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ***". (Emphasis added).

Title 18, Section 1503, United States Code, makes it a criminal offense for "whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, in any court of the United States. *** or injures any party or witness in his person or property on account of his having attended such court, *** or on account of his testifying or having testified to any matter pending therein, *** or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, ***, (stating penalty)."(Emphasis added).

"It is also well settled that state power cannot be used as an instrument to deprive ANY PERSON of a right protected by the Federal Constitution. (Citing authorities)." Deerfield Park District v. Progress Development Corp., 22 Ill.2d 137-138. (Emphasis added).

The Constitution of Illinois vests judicial power solely in the duly constituted courts, and the courts have no power to delegate any of their duties to any person or persons. (Article VI, Section 1.)

Therefore, if Rule 751 of the Supreme Court of Illinois, delegates judicial power to the said respondents, "who sat in judgment" to review, re-adjudicate, inquire into, intermeddle, interfere with, and obstruct the private litigation of relator as an individual, past and pending, and to deprive him of the equal right to sue, to be heard, litigant, to give evidence, and to deprive relater of the equal and [illegible] benefit of all laws and proceedings, and to contrive to harass, obstruct, intimidate and torment the relator, by convening multiple sessions [illegible] November 2, 1 [illegible], illegally, without jurisdiction and authority, to utter, publish and circulate repeatedly, false and malicious libel, slander and defamation, all without a signed and verified complaint, as required and specified by Rule 751(3) of the Illinois Supreme Court; without a complainant or any witness appearing to testify; and without proof; (Vol. I of Report, p. 7; [illegible]; Vol. I of Report, transcript of proceedings, page 41; Petition attached hereto, Rule 7, paragraph (h)), that the said Rule 751 violates the Constitutional guaranties of due process and of equal protection of the laws; and is. Rule 751 is therefore unconstitutional.

> "Adjudication, exertion of judicial power, is an exercise of the sovereign power of the state -- the governmental power. *** It has been long since been held in this state that power of decision of adjudicatory effectiveness or conclusiveness comes only through the constitution of the people, and cannot otherwise be obtained, even by the consent of the parties immediately concerned. The exercise of such power by a master or any one not of the judicial branch of government is not permitted, and a law granting such power to any person or body other than is designated in the constitution is unconstitutional. (Citing authorities)".
> Kelly v. Fahrney, 145 Ill. App. 30, 99-100. affirmed 242 Ill. 240. 255. (Emphasis added).

In Ex parte Young, 209 U.S. 123, 52 L. Ed. 714, the Supreme Court declared that an official proceeding unconstitutionally is "stripped of his official character."

The Petition for Writ of Prohibition also discloses that relator made repeated demands for respondents to furnish him the names of witnesses, if any, and a list of documents proposed to be offered in evidence. All demands were denied. (Addendum to Record, page 23; Vol. I, of Report, p. 53; Vol. I, transcript of October 6, 1966, page 21, last paragraph; page 23, 7th and 8th paragraphs; Vol. I, transcript of November 10, 1966, page 65, 3rd paragraph; page 66, first paragraph; Petition hereto attached, page 10, paragraph (o); pages 4-14, paragraphs (a) through (v)).

> "Thus, the writ lies not only to inferior judicial tribunals, but also to inferior ministerial tribunals, possessing incidentally judicial powers and known as quasi-judicial tribunals." 34 C. J. Jur., Prohibitions, Sec. 14.

> "So long, however, as administrative or executive boards or tribunals are acting in a judicial or quasi-judicial capacity, prohibition will lie where it is acting without jurisdiction or in excess of its jurisdiction." 50 C.J., Prohibitions, Sec. 41.

The Writ of Prohibition is authorized by Article VI, Section 9, of the Constitution of Illinois, and is also a recognized common law remedy.

Relator respectfully submits that this Court should grant leave to file said Petition for Writ of Prohibition.

Peter J. Sarelas, Relator.
30 North La Salle Street,
Chicago, Illinois 60602
CEntral 6-1442

APPENDIX "B"

United States of America

State of Illinois }
Supreme Court } ss.

At a Term of the Supreme Court, *begun and held in Springfield, on Monday, the* fourteenth *day of* September *in the year of our Lord, one thousand nine hundred and* seventy *, within and for the State of Illinois.*

PRESENT: ROBERT C. UNDERWOOD, CHIEF JUSTICE

JUSTICE WALTER V. SCHAEFER — JUSTICE THOMAS E. KLUCZYNSKI

JUSTICE DANIEL P. WARD — JUSTICE JOHN T. CULBERTSON, JR.

JUSTICE CASWELL J. CREBS — JUSTICE MARVIN F. BURT

WILLIAM J. SCOTT, ATTORNEY GENERAL

ROBERT G. MILBY, MARSHAL

ATTEST: JUSTIN TAFT, CLERK

BE IT REMEMBERED, that, to-wit: on the 18th day of September A.D. 1970, the same being one of the days of the term of Court aforesaid, the following proceedings were, by said court, had and entered of record, to-wit:

In re:)
)
Peter S. Sarelas,)
)
an Attorney) Commissioner's No. 1369
)
No. 43138)

And now, on this day, the Court having duly considered the motion by Peter S. Sarelas for leave to file a petition for an original writ of prohibition, and being now fully advised of and concerning the premises;

IT IS HEREBY ORDERED that the motion by Peter S. Sarelas for leave to file a petition for an original writ of prohibition be, and the same is, denied.

I, JUSTIN TAFT, Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of an order of the said Supreme Court in the above entitled cause of record in my office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this 8th day of December, A.D. 1970.

Clerk,
Supreme Court of the State of Illinois.